IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.743 OF 2007.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Shri S.S.Deshpande, Advocate for Petitioners.

CORAM : R.C.CHAVAN, J.

DATED : JUNE 12, 2007.

1. The petitioner, plaintiff in Special Civil Suit No.61 of 2005 before Civil Judge Sr.Dn., Khamgaon, challenges order passed by the learned Judge, rejecting petitioner's application for production of record in respect of defendant No.3's education in G.S. College of Science & Arts, Khamgaon and Rationing Registers pertaining to year 1977-78, 1980-81-82, 1982-83 and 1983, after the plaintiff had closed his case. The learned counsel for the petitioner states that, these documents should have been permitted to be filed in view of the provisions of order XIII Rule 1 sub rule (3) which permits a party to produce documents for the purpose of cross-examination of witness of the adversary. The learned counsel also placed reliance on the judgment in *Vishwas*

Vasantrao Mugalikar Vs. Jyoti d/o. Murlidharrao Mugalikar, reported at **1999(4) All MR 20**. Reserving document for the purpose of cross-examination imply that the document is not produced at all and is of such a type that when adversary's witness is confronted with it, he may be forced to give admission. The documents in question are not ones of which the adversary is an author. These documents could have been secured by the petitioner/ plaintiff when his evidence was being tendered. Not having done so, the petitioner cannot now file those documents to fill in the gaps, by relying on provisions of Order XIII Rule 1, which are not relevant to the petitioner's case.

In view of this, the learned trial Judge cannot be said to have erred in rejecting the plaintiff's prayer. The petition is, consequently, dismissed, as it does not disclose any ground for invocation of jurisdiction under Article 226 or 227 of the Constitution.

JUDGE.

RR.